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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,841	09/03/2004	John Matthew Forsyth	5035-184US/P29508 USA	4496
7590 05/04/2007 Richard C Woodbridge Synnestvedt Lechner & Woodbridge P O Box 592 Princeton, NJ 08542-0592			EXAMINER ALI, OMAR R	
			ART UNIT 2109	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/506,841

Applicant(s)

FORSYTH, JOHN MATTHEW

Examiner

Omar Abdul-Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in response to the original filing of September 3, 2004. Claims 1-22 are pending and have been considered below.

#### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "the step of a user clicking on the icon" There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 22 is drawn to a computer program per se. A computer program is not a series of steps or acts and this is not a process. A computer program is not a physical article or object and as such is not a machine or manufacture. A computer program is not a combination of substances and therefore not a compilation of matter. Thus, a computer program by itself does not fall within any of the four categories of invention. Therefore, Claim 22 is not statutory.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 13-17, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Cadiz et al. (US 7,185,290).

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Claims 1, 21, and 22: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services, comprising:

a. data supplied from a remote data supplier is automatically displayed within an application running on the device, and changes to alert the user to new data or to represent that new data (column 11, lines 13-31);

b. the device is programmed to present a menu list of the different data types already stored on the device and potentially available within a given application, such that selecting a particular data type from the menu list causes data of the selected type to be automatically displayed within that application (column 12, lines 1-7/figures 7A, 7B).

Claim 2: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, further comprising:

a. the application is not an application that is dedicated to data acquisition from servers remote from the device, such as a messaging application for push e-mail or a web or WAP browser (column 16, lines 29-37).

Claim 3: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 2 above, further comprising:

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a. the application enables the device to display and manipulate data of a different kind from the data associated with the data from the remote service provider (column 16, lines 29-37).

Claim 4: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 3 above, further comprising:

a. the application provides appropriate and relevant factual information in which to automatically embed the data from the data supplier (column 16, lines 29-45).

Claim 5: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, further comprising:

a. the step of a user clicking on the icon causes a new application to be launched that takes the user to more detailed related information (column 31, lines 6-11).

Claim 6: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, further comprising:

a. the data is pushed to the device (column 17, lines 39-48).

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Claim 7: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 6 above, further comprising:

a. the data is pushed to the device whenever the associated source data changes, or at regular times or at pre-defined time intervals (column 20, lines 1-7).

Claim 8: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 5 above, further comprising:

a. the detailed information is pulled by the device (column 17, lines 39-48).

Claim 13: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, further comprising:

a. the data displayed on the device is represented as a small, stylized representational graphic or image (column 12, lines 1-10).

Claim 14: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, further comprising:

a. the data comprises text (column 10, lines 11-29/column 34, lines 19-27).

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Claim 15: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, further comprising:

a. the data can be shared between several wireless information devices (column 17, lines 6-12).

Claim 16: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, further comprising:

a. the data displayed on the device is a sub-set of a software object (column 15, lines 60-67 to column 16, lines 1-25).

Claim 17: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 16 above, further comprising:

a. several different icons are sub-sets of the same software object (column 12, lines 15-20).

Claim 19: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 16 above, further comprising:



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a. the object has several different data variables associated with it (column 12, lines 15-20).

Claim 20: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 16 above, further comprising:

a. the object attaches to pre-existing objects in an application (column 33, lines 50-56).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290).

Claim 10: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 8 above, but does not explicitly disclose pushed data is supplied without charge to the user and the pulled detailed information is supplied on a pay basis. However, Cadiz does disclose that data

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is pushed and pulled from the device (column 17, lines 39-43) without charges applied, and it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply charges to certain features, and not apply charges to other features that the user wishes to access. One would have been motivated to apply charges to certain received data in order to gain profit from providing additional features to the user. One would have been motivated to push data without charge to provide the user with emergency information, weather information, special offers, etc. free of charge.

10. Claims 9, 11, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Lawande et al. (US 6,934,740).

Claim 9: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 8 above, but does not explicitly disclose the data from the remote data supplier is pulled by the device at regular or pre-defined time intervals as a background, automatic process, or using a pull that is manually initiated by the user. Lawande discloses a similar method and apparatus for enabling a wireless information device to access data services that further discloses different types of data are updated at different time intervals (column 30, lines 1-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to pull data from the remote data supplier in Cadiz at a regular or pre-defined time. One would have been motivated to pull data at regular or

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pre-defined time intervals in order to provide the user with updated information throughout the day.

Claim 11: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, but does not explicitly disclose the same data is presented within several different applications.

Lawande discloses a similar method and apparatus for enabling a wireless information device to access data services that further discloses weather conditions are displayed in the calendar application and browser application (column 46, lines 61-65/Figure 13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the data within several different applications. One would have been motivated to present the data within several different applications in order to allow the user to view the information in multiple applications when relevant.

Claim 12: Cadiz and Lawande disclose a system and computer readable medium for enabling a wireless information device to access data services as in Claim 11 above, and Cadiz further discloses:

a. data is handled at the device by a content manager layer which insulates or separates the different applications from interfacing directly with the components or other software running on the device which acquires the data (column 18, lines 15-33).

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Claim 18: Cadiz discloses a system and computer readable medium for enabling a wireless information device to access data services as in Claim 1 above, but does not explicitly disclose the object is accessible by several different applications. Lawande discloses a similar method and apparatus for enabling a wireless information device to access data services that further discloses weather conditions are displayed in the calendar application and browser application (column 46, lines 61-65/Figure 13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the object accessible by several different applications. One would have been motivated to make the object accessible by several different applications in order to present the information in multiple applications when relevant.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA  
4/25/07

James W. Myhre  
Supervisory Primary Examiner  
Lab-5

A handwritten signature in black ink, appearing to read 'Kieu Vu', with a stylized flourish at the end.

KIEU VU  
PRIMARY EXAMINER